

CLOSED SESSION – REGULAR COUNCIL/REDEVELOPMENT AGENCY/COLTON
UTILITY AUTHORITY CLOSED SESSION MEETING MINUTES

October 20, 2009

Closed Session Meeting was held on the above given date at 5:00 p.m., in the Council Chambers of City Hall, with Mayor Chastain presiding.

CITY COUNCIL ROLL CALL

Councilmembers present: Toro, Yzaguirre, Bennett, Perez, Mayor Pro Tempore Oliva and Mayor Chastain,

Absent:

Richard De La Rosa

PUBLIC COMMENT:

None.

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Item A, B, and C, he added that Item A should include IBEW Water/Wastewater below:

CLOSED SESSION:

- A. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Bill Smith, Interim Deputy City Manager
Employee Organizations: SBPEA General Unit, SBPEA Mid-managers Unit, IBEW Electric, Colton Fire Fighters Association, Colton Police Officers Association, Colton Police Management Association, and Colton Police Dispatchers Association
- B. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Dean Derleth, City Attorney
Employee Organizations: Executive Unit
- C. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Pursuant to Government Code Section 54956.9(b)
Number of Cases: 2

Mayor Chastain adjourned the meeting to Closed Session at 5:02 p.m. and at 6:00 p.m.; the meeting reconvened with all members present as heretofore.

City Attorney Derleth reported that the Council did meet and did confer in Closed Session on Item C and in middle of A will return after open session to continue discussion along with Item B, he added that Item A should include IBEW Water/Wastewater below:

- A. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Bill Smith, Interim Deputy City Manager
Employee Organizations: SBPEA General Unit, SBPEA Mid-managers Unit, IBEW Electric, Colton Fire Fighters Association, Colton Police Officers Association, Colton Police Management Association, Colton Police Dispatchers Association, IBEW Water.
ACTION: No Reportable
- B. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Dean Derleth, City Attorney
Employee Organizations: Executive Unit
ACTION: No Reportable
- C. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Pursuant to Government Code Section 54956.9(b)
Number of Cases: 2
ACTION: No Reportable

CITY OF COLTON
REGULAR CITY COUNCIL/REDEVELOPMENT AGENCY/COLTON UTILITY
AUTHORITY MEETING MINUTES

October 20, 2009

Regular Meeting held on the above-given date at 6:00 p.m., in the Council Chambers of City Hall, with Mayor Chastain presiding.

INVOCATION:

Pastor Bob Johnson led the invocation.

FLAG SALUTE:

CM Toro led the Pledge of Allegiance.

ROLL CALL:

Members Present:

Mayor Kelly Chastain
Alex Perez
Mayor Pro Tempore Susan Oliva
Vincent Yzaguirre
Deirdre H. Bennett
Dave Toro

Staff Present:

Bob Miller, Interim City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk

Absent:

Richard A. De La Rosa

CEREMONIAL MATTERS:

Presentations, Awards, Proclamations

None.

MAYOR AND COUNCIL ITEMS:

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF OCTOBER 20, 2009.

Mayor Chastain asked the members present if there were any agenda items that were a conflict of interest pursuant to CMC Section 2.04.030. None.

AB 1234 ORAL REPORTS:

None.

APPOINTMENTS:

City Commissions & Committees; Regional Boards & Committees

- District 2 – Mayor Chastain presented for ratification the appointment of Glen Bautista to the Utilities Commission.

Motion and second by Mayor Pro Tempore Oliva/CM Toro for ratification the appointment of Glen Bautista to the Utilities Commission. It was the consensus of the council present for ratification the appointment of Glen Bautista to the Utilities Commission.

PUBLIC COMMENT:

The following citizens addressed the council: None.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS:

- Colton High School Homecoming Parade and winning game.
- City Manager selection
- Safe and happy hallow's eve
- ARMC Cancer screening
- District 1 Citywide clean-up
- District 4 Clean-up Nov. 7th
- Senior Halloween Dance
- Replenish fire detector batteries
- Colton Police Volunteers parking lot yard sale
- Community Center Halloween
- First Assembly of God Trunk or Treat
- American Legion Halloween Event
- Trinity Youth Services Holiday Youth Drive
- Online weekly report

CITY MANAGER ORAL REPORTS:

Interim City Manager Miller commented on the following:

- Introduced Finance Director Bonnie Johnson

CONSENT CALENDAR:

Interim City Manager Miller presented Consent Calendar Items No. (s) 1 thru 9 for consideration and approval, Mayor Pro Tempore Oliva recused herself from voting on Item 5 as it is a conflict of interest, she owns stock in railroad.

Motion/second by CM Yzaguirre/Perez to approve Consent Calendar Items 1 thru 9. Motion carried with CM De La Rosa absent and Mayor Pro Tempore Oliva abstaining on Item 5.

- (1) Warrants – Approved Payable Warrants #110541 to #110794, Dated 9/17/09, Totaling \$5,254,078.38; and Approval of Payroll Disbursement Listing for Pay Period of 9/19/09 to 10/02/09, Totaling \$816,051.10, on File in the Finance Department.
- (2) Proposition 1A – Approved and Adopted a Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Proposition 1A Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection Therewith, RESOLUTION NO. R-79-09.
- (3) Agreement/Shell Energy North America – Approved the U.S. Municipal Counterparty Schedule to the 1992 Local Currency – Single Jurisdiction Master Agreement between Shell Energy North America (US), L.P., and the City of Colton.
- (4) Purchase - Approved Additional Annual Purchase Quantities for Medium Voltage Underground Distribution Cable for the Electric Department from Wesco Distribution for \$98,335.01 plus/minus applicable escalation/de-escalation.
- (5) Agreement/Pacific West – Approved Request to Authorize Execution of Agreement between the City of Colton and Pacific West Management for the Acquisition of Real Property in the City of Colton for the Barton Road Bridge Overhead Project; Direct Staff to work with the Barton Road Bridge Overhead Project Lead Agency (City of Grand Terrace) to complete the purchase of additional Right-of-Way for the Bridge; Approve and Adopt a Resolution Setting Forth Findings to Justify Purchase of Property for More than the Appraised Value, RESOLUTION NO. R-80-09.
- (6) CIP Budget – Approved and Adopted a Resolution to Increase the Fiscal Year 2009/2010 Capital Improvement Program Budget by \$10,000 and Amending the Measure I Five Year Plan to Include Barton Road Pavement Rehabilitation Project; Authorize Execution of a Cooperative Agreement between the City of Colton and City of Loma Linda for the Barton Road Rehabilitation Project, RESOLUTION NO. R-81-09.

- (7) Change Order– Approved and Adopted a Resolution Increasing the Fiscal Year 2009/2010 Capital Improvement Budget in the Amount of \$350,000 for the Veterans Park Sports Complex Project; Authorize Execution of the Final Change Order in the Amount of \$359,437.27 to C.S. Legacy Construction Inc., for the Veterans Park Sports Complex Project, RESOLUTION NO. R-82-09.
- (8) Capital Project Needs Analysis – Approved and Adopted a Resolution Reaffirming the Capital Project Needs Analysis for FY 2010/2011 through FY 2014/2015, RESOLUTION NO. R-83-09.
- (9) Fee Schedule for Abandoned and Distressed Property Registration – Approved and Adopted a Resolution Adopting a Fee Schedule for the Registration and Maintenance of Abandoned and Distressed Properties Pursuant to Chapter 8.05 of the Colton Municipal Code, RESOLUTION NO. R-84-09.

CITY TREASURER’S REPORTS:

Receive and File City Treasurer’s Report for August 2009.

City Treasurer De La Torre presented the report for the council consideration and approval to receive and file the August 2009 report.

It was a consensus of the Council to receive and file the City Treasurer’s Report.

STAFF REPORTS:

POLICE CHIEF AND PUBLIC WORKS DIRECTOR’S WRITTEN REPORTS AND RECOMMENDATIONS:

Graffiti Abatement.

Interim Public Works Director Maritza Tapia provided a brief Powerpoint presentation.

Municipal Code States

- 8.04.020 Responsibilities for property maintenance.
 - Every owner, lessee, occupant or person having charge or control of property within the city is required to maintain such property in a manner so as not to violate provisions of this chapter, and such owner, lessee, occupant or person having charge or control of property remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property. The duties imposed by this section shall in no instance relieve those persons herein referred to from the similar duty.(Ord. 0-07-00 § 3 (part), 2000)
- 8.04.030 Classification of nuisances.

- The following acts and conditions when performed or existing upon any lot or parcel of land within the city are declared to be unlawful and are defined as and declared to be public nuisances which are injurious or potentially injurious to the public health, safety and welfare, and which have a tendency to degrade the appearance or property values of surrounding property or which cause damage to public rights-of-way:
 - O. Graffiti or other writing, inscription, word, figure, symbol or design that is marked, etched, scratched, drawn or painted upon any permanent structure or privately owned real property.

Public Property Abatement

- Abatement on public property is the responsibility of the Public Works Department, Street Division.
 - Depicted below is the City's graffiti trailer fully equipped to address all of what staff may find on the field.

Public Infrastructure and Property

- Curbs
- Gutters
- Sidewalks
- Streets
- Park Facilities
- City Facilities
- Street/Traffic Signage
- City Utility Boxes
- Fire Hydrants
- Traffic Signals
- Street Lighting
- City Monuments
- Underpasses

Private Property / Other Entities

- Property owner's responsibility to remove graffiti
- Residential/Commercial/ Industrial Property Lots
- Developed or Undeveloped
- Privately Owned Signage
- Caltrans ROW (Freeway/Ramps/Signage)
- Railroad ROW
- Easements

Procedure/Contacts

Private Property Abatement

- Property owner's responsibility to remove graffiti

- When graffiti on private property is reported to Code Enforcement, the case is assigned to a Code Enforcement Officer.
- Inspection of the property is initiated and contact with the property owner is made (Typically within 1-2 working days)
- If graffiti is present, the property owner is issued a "Notice to Abate Nuisance" and given a reasonable time to remove the graffiti.
- The officer then completes a follow-up inspection to assure compliance.
- Code Enforcement Division (909) 370-5114

Public Property Abatement

- Public Works Main Line (909) 370-5065
- Graffiti Hotline (909) 370-5174
- Public Works Department responds to reported graffiti by calls/emails made by staff and public reporting.

CITY ATTORNEY'S WRITTEN REPORTS AND RECOMMENDATIONS:

Mayor Chastain announced that the City Council would take a short break and return at 6:35 to meet in Closed Session to discuss Item A, and B below:

CLOSED SESSION:

A. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Bill Smith, Interim Deputy City Manager

Employee Organizations: SBPEA General Unit, SBPEA Mid-managers Unit, IBEW Electric, Colton Fire Fighters Association, Colton Police Officers Association, Colton Police Management Association, Colton Police Dispatchers Association, IBEW Water/Waste water.

B. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Dean Derleth, City Attorney

Employee Organizations: Executive Unit

Mayor Chastain adjourned the meeting to Closed Session at 6:27 p.m. and at 7:38 p.m.; the meeting reconvened with all members present as heretofore.

City Attorney Derleth reported that the Council did meet and did confer in Closed Session on Item A and B below:

A. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Bill Smith, Interim Deputy City Manager

Employee Organizations: SBPEA General Unit, SBPEA Mid-managers Unit, IBEW Electric, Colton Fire Fighters Association, Colton Police Officers Association, Colton

Police Management Association, Colton Police Dispatchers Association, IBEW
Water/Waste water.

ACTION: No Reportable

B. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

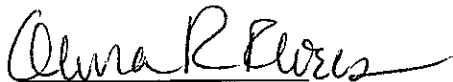
Agency Designated Representative: Dean Derleth, City Attorney

Employee Organizations: Executive Unit

ACTION: No Reportable

ADJOURNMENT:

At 7:39 p.m., Mayor Chastain declared the Regular Meeting adjourned.

A handwritten signature in cursive script, appearing to read "Olivia R. Flores".

Olivia R. Flores, CMC
Chief Deputy City Clerk